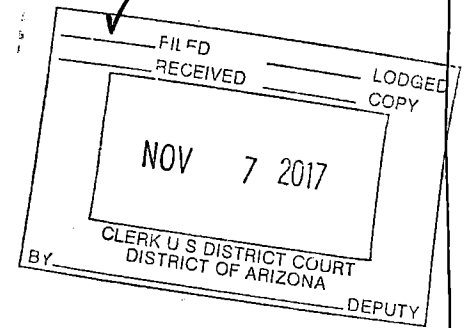


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3 District of Arizona  
4 RUI WANG  
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11 Attorneys for Plaintiff



12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE DISTRICT OF ARIZONA

14 United States of America,  
15 Plaintiff,

CR-17-926-TUC-RCC (BGM)

16 vs.

PLEA AGREEMENT

17 Jose Pastrano-Rios,  
18 Defendant.

19 The United States of America and the defendant agree to the following disposition  
20 of this matter:

21 PLEA

22 The defendant agrees to plead guilty to the Information charging the defendant with  
23 a violation of 8 U.S.C. § 1324(a)(2)(B)(ii), Bringing in of Illegal Alien(s) for Profit, a  
24 felony.

25 ELEMENTS OF THE OFFENSE AND SENTENCING FACTOR

26 1. The defendant knew or was in reckless disregard of the fact that alien(s) had not  
27 received prior official authorization to come to, enter, or reside in the United States.

28 2. The defendant did knowingly bring to the United States in any manner  
whatsoever, such alien(s), regardless of any official action which may later be taken with  
respect to such alien(s).

3. The defendant committed the offense for the purpose of commercial advantage  
or private financial gain.

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1 Under federal law, a broad range of crimes are removable offenses, including the  
2 offenses(s) to which defendant is pleading guilty. Removal and other immigration  
3 consequences are subject to a separate proceeding, however, defendant understands that no  
4 one, including the defendant's attorney or the district court, can predict to a certainty the  
5 effect of the defendant's conviction on the defendant's immigration status. Defendant  
6 nevertheless affirms that the defendant wants to plead guilty regardless of any immigration  
7 consequences that the defendant's plea may entail, even if the consequence is the  
8 defendant's automatic removal from the United States.

9 Plea Addendum

10 4. This written plea agreement, and any written addenda filed as attachments to  
11 this plea agreement, contained all the terms and conditions of the plea. Any additional  
12 agreements, if any such agreements exist, shall be recorded in a separate document and  
13 may be filed with the Court under seal. Accordingly, additional agreements, if any, may  
14 not be in the public record.

15 Waiver of Defenses and Appeal Rights

16 Provided the defendant receives a sentence consistent with this agreement, the  
17 defendant waives any and all motions, defenses, probable cause determinations, and  
18 objections that the defendant could assert to the information or indictment, or to the petition  
19 to revoke, or to the Court's entry of judgment against the defendant and imposition of  
20 sentence upon the defendant providing the sentence is consistent with this agreement. The  
21 sentence is in accordance with this agreement if the sentence imposed is within the  
22 stipulated range or below the stipulated range if the Court grants a variance. The defendant  
23 further waives: (1) any right to appeal the Court's entry of judgment against defendant; (2)  
24 any right to appeal the imposition of sentence upon defendant under 18 U.S.C. § 3742  
25 (sentence appeals); (3) any right to appeal the district court's refusal to grant a requested  
26 variance; (4) any right to collaterally attack defendant's conviction and sentence under 28  
27 U.S.C. § 2255, or any other collateral attack; and (5) any right to file a motion for  
28 modification of sentence, including under 18 U.S.C. § 3582(c). The defendant

1 acknowledges that this waiver shall result in the dismissal of any appeal or collateral attack  
2 the defendant might file challenging his/her conviction or sentence in this case. If the  
3 defendant files a notice of appeal or a habeas petition, notwithstanding this agreement,  
4 defendant agrees that this case shall, upon motion of the government, be remanded to the  
5 district court to determine whether defendant is in breach of this agreement and, if so, to  
6 permit the government to withdraw from the plea agreement. This waiver shall not be  
7 construed to bar a claim of ineffective assistance of counsel or an otherwise-preserved  
8 claim of "prosecutorial misconduct" (as that term is defined by Section II.B of Ariz. Ethics  
9 Op. 15-01 (2015)).

#### 10 Reinstitution of Prosecution

11 Nothing in this agreement shall be construed to protect the defendant in any way  
12 from prosecution for perjury, false declaration or false statement, or any other offense  
13 committed by the defendant after the date of this agreement. In addition, if the defendant  
14 commits any criminal offense between the date of this agreement and the date of  
15 sentencing, the government will have the right to withdraw from this agreement. Any  
16 information, statements, documents and evidence which the defendant provides to the  
17 United States pursuant to this agreement may be used against the defendant in all such  
18 proceedings.

19 If the defendant's guilty plea is rejected, withdrawn, vacated, or reversed by any  
20 court in a later proceeding, the government will be free to prosecute the defendant for all  
21 charges as to which it has knowledge, and any charges that have been dismissed because  
22 of this plea agreement will be automatically reinstated. In such event, the defendant waives  
23 any objections, motions, or defenses based upon the Speedy Trial Act or the Sixth  
24 Amendment to the Constitution as to the delay occasioned by the later proceedings.  
25 Defendant agrees that the stipulated sentencing ranges set forth under "Agreements  
26 Regarding Sentence" will not be offered if prosecution is re-instituted.

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1                                    Disclosure of Information to U.S. Probation Office

2            The defendant understands the government's obligation to provide all information  
3 in its file regarding defendant to the United States Probation Office. The defendant fully  
4 understands and agrees to cooperate fully with the United States Probation Office in  
5 providing all information requested by the probation officer.

6                                    Effect on Other Proceedings

7            I further understand that if I violate any of the conditions of my supervised release,  
8 my supervised release may be revoked. Upon such revocation, notwithstanding any other  
9 provision of this agreement, I may be required to serve a term of imprisonment or my  
10 sentence may otherwise be altered.

11                                  WAIVER OF DEFENDANT'S RIGHTS

12           I have read each of the provisions of the entire plea agreement with the assistance  
13 of counsel and understand its provisions. I have discussed the case and my constitutional  
14 and other rights with my attorney. I understand that by entering my plea of guilty I will be  
15 giving up my right to plead not guilty; to trial by jury; to confront, cross-examine, and  
16 compel the attendance of witnesses; to present evidence in my defense; to remain silent  
17 and refuse to be a witness against myself by asserting my privilege against self-  
18 incrimination; all with the assistance of counsel, to be presumed innocent until proven  
19 guilty beyond a reasonable doubt, and to appeal.

20           I agree to enter my guilty plea as indicated above on the terms and conditions set  
21 forth in this agreement.

22           I have been advised by my attorney of the nature of the charge to which I am entering my  
23 guilty plea. I have further been advised by my attorney of the nature and range of the  
24 possible sentence.

25           My guilty plea is not the result of force, threats, assurance or promises other than  
26 the promises contained in this agreement. I agree to the provisions of this agreement as a  
27 voluntary act on my part, rather than at the direction of or because of the recommendation  
28 of any other person, and I agree to be bound according to its provisions.

1 I agree that this written plea agreement contains all the terms and conditions of my plea  
2 and that promises made by anyone (including my attorney) that are not contained within  
3 this written plea agreement are without force and effect and are null and void.

4 I am satisfied that my defense attorney has represented me in a competent manner.

5 I am not now on or under the influence of any drug, medication, liquor, or other  
6 intoxicant or depressant, which would impair my ability to fully understand the terms and  
7 conditions of this plea agreement.

8 FACTUAL BASIS AND SENTENCING FACTOR

9 I agree that the following facts accurately describe my conduct in connection with  
10 the offense to which I am pleading guilty and that if this matter were to proceed to trial the  
11 government could prove these facts beyond a reasonable doubt:

12 On or about May 11, 2017, I brought a group of nine illegal aliens into the United  
13 States near Lukeville, Arizona. Among the group were material witnesses from  
14 Guatemala and El Salvador, including: Alex Lopez, J. Z.-C., Miguel Lozano-  
15 Carcamo, and juvenile M. E.-A.. I knew the people in the group had not received  
prior official authorization to come into the United States and I was going to be, or  
was, paid to guide them in entering the United States.

16 Date: 11-2-17

17 JOSE PASTRANO RIOS  
18 Jose Pastrano-Rios  
Defendant


19 DEFENSE ATTORNEY'S APPROVAL

20 I have discussed this case and the plea agreement with my client in detail and have  
21 advised the defendant of all matters within the scope of Rule 11, Fed. R. Crim. P., the  
22 constitutional and other rights of an accused, the factual basis for and the nature of the  
23 offense to which the guilty plea will be entered, possible defenses, and the consequences  
24 of the guilty plea, including the defendant's waiver of the right to appeal. No assurances,  
25 promises, or representations have been given to me or to the defendant by the government  
26 or by any of its representatives which are not contained in this written agreement. I concur  
27 in the entry of the plea as indicated above and on the terms and conditions set forth in this  
28 agreement as in the best interests of my client. I agree to make a bona fide effort to ensure

1 the guilty plea is entered in accordance with all the requirements of Rule 11, Fed. R. Crim.  
2 P.

3 I translated or caused to be translated this agreement from English into Spanish to  
4 the defendant on the 2 day of November, 2017.

5  
6 Date: 11-2-17

  
Charles Thomas, Esq.  
Attorney for Defendant

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9 GOVERNMENT'S APPROVAL

10 I have reviewed this matter and the plea agreement. I agree on behalf of the United  
11 States that the terms and conditions set forth are appropriate and are in the best interests of  
12 justice.

13  
14 ELIZABETH A. STRANGE  
Acting United States Attorney  
District of Arizona

15  
16 Date: 11/7/17

  
RUI WANG  
Assistant U.S. Attorney